



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Selifonov et al.

Attorney Docket No.:  
MXGNP001X2/0124.510

Application No.: 09/539,486

Examiner: Zhou S.

Filed: March 30, 2000

Group: 1631

Title: METHODS FOR MAKING CHARACTER  
STRINGS, POLYNUCLEOTIDES AND  
POLYPEPTIDES HAVING DESIRED  
CHARACTERISTICS

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on May 25, 2004 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed: \_\_\_\_\_

Joyce L. Ferreira

**SECOND RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This amendment is submitted in response to the a Communication mailed May 18, 2004 (copy attached) in which the response required by 37 CFR 1.121(c) was deemed non-responsive "the format for the amendment to the claims in the communication filed 3/8/04 is not in compliance with 37 CFR 1.121(c), which requires that the "claim listing shall commence on a separate sheet of the amendment document and that sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment." It is believe that this revised response addresses this issue. As such, it should be treated as responsive to the outstanding office action as required by 37 CFR 1.114 and 37 CFR 1.111.

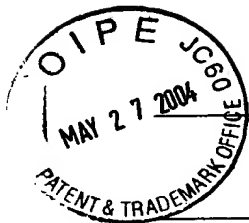
**Amendments to the Claims** are reflected in the listing of claims which being on page 2 of this paper.

Please cancel claims 25, 30, 47-98, and 101 without prejudice.

Please amend claims 1 and 39 as indicated below.

**Remarks** begin on page 8 of this paper.

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1631  
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Signed: \_\_\_\_\_

*Joyce L. Ferreira*  
Joyce L. Ferreira

**AMENDMENT TRANSMITTAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.

The fee has been calculated as shown below.

	Claims After Amendment		Highest Previously Paid For	Present Extra	Small Entity Rate Fee	Large Entity Rate Fee
Total Claims	44	MINUS	98	0	x 9 =	x 18 = 0.00
Independent Claims	02	MINUS	03	0	x 42 =	x 84 = 0.00
Multiple Dependent Claim Present and Fee Not Previously Paid					\$140.00	\$280.00
Total					\$	\$0.00



Applicant(s) believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 500388.



Please charge the required fees, or any additional fees required to facilitate filing the enclosed response, to Deposit Account No. 500388 (Order No. MXGNP001X2).

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP

*Jeffrey K. Weaver*  
Jeffrey K. Weaver  
Reg. No. 31,314

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Berkeley, CA 94704-0778



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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MAY 27 2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,486	03/30/2000	SERGEY A. SELIFONOV	02-028940US	8406

22434 7590 05/18/2004

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EXAMINER

ZHOU, SHUBO

ART UNIT

PAPER NUMBER

1631

DATE MAILED: 05/18/2004

REFERENCE COPY

Please find below and/or attached an Office communication concerning this application or proceeding.

BEYER WEAVER & THOMAS, LLP	
ATTY.: JKW	ASSOC.: JKW
ACTION: Nonresponsive	
Amendment	
DUE DATES: 6/10/2004	
DOCKETED: 5/20/04	BY: MT
DOCKET NO.: MXENPD01X245	

5/21/04

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ 09 CONTROL NO. 539 486	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

051204

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The communication filed on 3/8/04 is deemed non-responsive to the prior office action, because of the following reason:

The format for the amendment to the claims in the communication filed 3/8/04 is not in compliance with 37 CFR 1.121(c), which requires that "the claim listing shall commence on a separate sheet of the amendment document and that sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment". Page 2 of the amendment document filed 3/8/04 contains text of claims but also contains remarks on top of the claim listing.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this letter, whichever is longer, or as extended as follows. **AN EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. 1.136(a) OR (b) UP TO A MAXIMUM OF SIX MONTHS.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shubo (Joe) Zhou, whose telephone number is 571-272-0724. The examiner can normally be reached Monday-Friday from 8 A.M. to 4 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, Ph.D., can be reached on 571-272-0722. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to Patent Analyst William Phillips whose telephone number is 571-272-0548, or to the Technical Center receptionist whose telephone number is (703) 308-0196.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shubo (Joe) Zhou, Ph.D.  
Patent Examiner